

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 20, 2013

**Elisabeth A. Shumaker
Clerk of Court**

VERNE JAY MERRELL,

Plaintiff - Appellant,

v.

DAVID ALLRED, D.O. FCC Health
Services; PATRICIA MITCHELL,
Program Mgt [sic] Officer, Health
Services, in their individual and
professional capacities,

Defendants - Appellees.

No. 13-1171
(D.C. No. 1:11-CV-02291-REB-MJW)

ORDER

Appellant's motion to dismiss is granted. 10th Cir. R. 27.3(A)(9).

A certified copy of this order shall stand as and for the mandate of the court.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk